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10 UNITED STATES DISTRICT COURT  
11 EASTERN DISTRICT OF CALIFORNIA

12 VAATAUSILI MARK ALAIMALO, ) 1:05-CV-0300 REC SMS HC  
13 Petitioner, )  
14 v. ) ORDER GRANTING PETITIONER'S  
15 PAUL SCHULTZ, Warden, ) MOTION FOR EXTENSION OF TIME  
16 Respondent. ) [Doc. #27]  
17 ) ORDER DENYING PETITIONER'S  
18 ) MOTION FOR RECONSIDERATION  
19 ) [Doc. #28]

20 Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus  
21 pursuant to 28 U.S.C. § 2254.

22 On September 7, 2005, the Magistrate Judge issued a Findings and Recommendation that  
23 recommended the petition be dismissed and judgment be entered. On September 29, 2005, the  
24 undersigned adopted the Findings and Recommendation in full, dismissed the case, and directed that  
25 judgment be entered. The Clerk of Court entered judgment on the same date.

26 On October 13, 2005, Petitioner filed a motion requesting an extension of time to file a  
27 motion for reconsideration. On October 20, 2005, Petitioner filed a motion for reconsideration  
28 pursuant to Federal Rules of Civil Procedure § 60(b).

Pursuant to Rule 60(b) of the Federal Rules of Civil Procedure,  
the court may relieve a party or a party's legal representative from a final judgment,

1 order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or  
2 excusable neglect; (2) newly discovered evidence which by due diligence could not  
3 have been discovered in time to move for a new trial under Rule 59(b); (3) fraud  
4 (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other  
5 misconduct of an adverse party; (4) the judgment is void; (5) the judgment has been  
6 satisfied, released, or discharged, or a prior judgment upon which it is based has been  
7 reversed or otherwise vacated, or it is no longer equitable that the judgment should  
8 have prospective application; or (6) any other reason justifying relief from the  
9 operation of the judgment.

10 Petitioner fails to meet this standard. Petitioner does not set forth any arguments or evidence  
11 that have not already been considered by this Court. Petitioner's arguments present no basis for  
12 relief.

13 Accordingly, Petitioner's motion for an extension of time is GRANTED nunc pro tunc to  
14 October 20, 2005, and the Motion for Reconsideration is DENIED.

15 IT IS SO ORDERED.

16 **Dated: November 15, 2005**  
17 668554

18 **/s/ Robert E. Coyle**  
19 UNITED STATES DISTRICT JUDGE